IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 201 OF 2004.

Mrs.Sbhubhalaxmi Jaywant. ... Appellant.
Versus.
Smt.Rekha Vikas Potnis & others. ... Respondents.

Shri D.S.Joshi i/by Shri Indrajeet R.Kulkarni for the Appellant.

Shri P.R.Arjunwadkar for the Respondent No.1.

CORAM : ABHAY S.OKA, J.

DATED : 29th January, 2007.

P.C.:

1. Time of two weeks is granted to the Appellant to take steps as regards the unserved Respondents.

2. The Appeal arises out of a decree for partition. The Appeal stands dismissed as against the Respondents Nos.3 and 4 who have been granted share by the impugned decree. As a result of the dismissal of the Appeal as against the said Respondents, the Appeal cannot proceed against the rest of the Respondents and the same is required to be dismissed. However, time is granted only by way of indulgence. It is, therefore, clarified that if no steps are taken within a period of two weeks to get the Appeal restored as against the Respondents Nos.3 and 4, the Appeal will stand dismissed for non-prosecution without further reference to the Court. If steps are taken within two weeks, office will place the Appeal on board on 12th February 2007.

Judge.